THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 16845 of 2005

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THURSDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FIVE

Between:

Thummalla Nagabhujanga Rao S/o.Venkata Padmanabha Rao
R/o.Pittapuram, East Godavari District.

..... PETITIONER

AND

1 The commissioner of Endowments Endowments Department Govt. of A.P., Hyderabad.
2 The Assistant Commissioner, Endowments Department, Rajahmundry, East Godavari District.
3 Sri Sakaleswara Swamy Temple Pittapuram, East Godavari district rep by the Executive officer/Manager.

.....RESPONDENTS

The Court, at the stage of admission, made the following:

Oral order:-

The petitioner claims to be a cultivating tenant of the lands of the 3rd respondent-Temple. The lands were notified for auction for grant of lease for a future period and the auction is scheduled in the first week of August, 2005. The petitioner made a representation to the 3rd respondent claiming determination of his status as landless poor person and the consequential benefits, as such, under Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act No. 30 of 1987) (for short 'the Act'). The petitioner is aggrieved that the 3rd respondent is proceeding with the auction of the temple lands without disposing of the petitioner's application for determination as a landless poor person and the consequential benefits.

Under the Andhra Pradesh Charitable and Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 (for short, 'the Rules') issued in G.O.Ms.No. 379 Revenue (Endowments-I) Department dated 11-03-2003, the claim of a person to being a landless poor person is required to be determined by the competent

authority, which in the instant case is the Assistant Commissioner concerned, that is, the 2nd respondent. However, the petitioner made a representation to the 3rd respondent with a copy marked to the 2nd respondent. The petitioner is required to make an application to the 2nd respondent.

In the circumstances, the writ petition is disposed of preserving liberty in the petitioner to make a representation to the 2nd respondent, which authority shall dispose of the said representation, expeditiously determining whether the petitioner is, in fact, a lawful tenant of the respondent-Temple; and if so, whether he is a landless poor person and, therefore, entitled to the benefits under Section 82 of the Act. Any action taken, pursuant to the auction of the 3rd respondent-Temple lands for grant of a future lease, shall be subject to the determination to be made by the 2nd respondent on the petitioner's representation above.

The writ petition is, accordingly, disposed of. No costs.

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GODA RAGHURAM, J

Dt.04-08-2005

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